D.B. CIVIL SPECIAL APPEAL(W)NO.144/2007

Fateh Singh Gurjar
Vs.
State of Rajasthan & Ors.

DATE OF ORDER :: 14-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Tanveer Ahmed, for the appellant.

Condonation application has been put up for consideration but we looked into prima facie merit of the case so that condonation may not be a futile exercise and accordingly heard the counsel.

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant. The appellant had filed the writ petition seeking direction for his appointment on the post of teacher Gr.III.

It is not in dispute that appellant did not submit application for such appointment. The case of the appellant is that as per the original notification, he was not eligible to apply as he had crossed the upper age limit of 33 years. Later the State Government extended the upper age limit in respect of Other Backward Class (OBC)candidates by two years in cases where the selection was not complete. The appellant, thus, became eligible

but he could not submit application as the notice was not published.

It is difficult to accept the submission of the appellant. May be that the appellant was not aware of the notice but it does not mean that selection process was carried on without issuing notice in the light of the Government Order. In view of the admitted position that the appellant did not apply for the post and, further, that the selection pertains to the year 1996-97, we do not think it is possible to grant the relief to the appellant. No useful purpose would be served by condoning of delay.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen